



Ventura Countywide Stormwater Quality Management Program

April 3, 2023

- Participating Agencies
- Camarillo
- County of Ventura
- Fillmore
- Moorpark
- Ojai
- Oxnard
- Port Hueneme
- San Buenaventura
- Santa Paula
- Simi Valley
- Thousand Oaks
- Ventura County
Watershed Protection
District

Courtney Tyler
 Acting Clerk to the Board
 State Water Resources Control Board
 1001 I Street, Sacramento, CA 95814

Submitted via email to: commentletters@waterboards.ca.gov

**SUBJECT: COMMENT LETTER – 2024 CALIFORNIA
 INTEGRATED REPORT**

Dear Ms. Tyler:

On behalf of Ventura Countywide Stormwater Quality Management Program (Program), which includes the Watershed Protection District, the County of Ventura and the incorporated cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, Ventura, Santa Paula, Simi Valley, and Thousand Oaks, thank you for the opportunity to provide stakeholder input on the Draft 2024 California Clean Water Act Section 303(d) List (Draft 2024 303(d) List) which was distributed for public review on February 17, 2023. Collectively, our agencies operate the municipal storm drain system in Ventura County and discharge stormwater and urban runoff pursuant to the 2021 Regional Phase I MS4 NPDES Permit No. CAS004004 (Order No. R4-2021-0105). All 12 agencies are committed to working cooperatively to improve water quality in our local waterways and beaches.

Section 303(d) of the Clean Water Act requires each state to identify waters that do not meet or are not expected to meet by the next listing cycle, applicable water quality standards and to prioritize those waters for Total Maximum Daily Load (TMDL) development, unless other corrective action is appropriate (commonly referred to as the “303(d) list”). The importance of the 303(d) list is well understood by Program member agencies as we all have extensive experience in both developing and implementing TMDLs within Ventura County. Furthermore, to implement effective mitigation programs for 303(d) impairments, significant resources are required to be devoted for monitoring, reporting, study, planning, implementation and maintenance. Following review of the Draft 2024 303(d) List, the Program has several concerns and request that the issues identified or referenced in this letter be addressed. The Program respectfully requests that the proposed Draft 2024 303(d) List be released for



another 60-day comment period following formal response to comments and prior to adoption for additional formal review and comment by stakeholders and the public.

The identification and listing of waterbodies on the 303(d) list is an important first step to improving water quality in California. Once listed, TMDLs likely follow, and significant resources can be diverted to address the listing. This is why it is imperative that serious consideration is made in assessing the data and justifying locations and constituents to be added to the 303(d) list. Other priorities established by organizations and public agencies may need to be set aside to address a 303(d) listing. Utilizing insufficient data, making improper assumption, incorrectly identifying receiving waters and tributaries and/or making determinations that storm drain systems, rather than an actual waterbody, are impaired may incorrectly place waterways on the 303(d) list and move resources from existing programs that serve existing public needs to 303(d) focused programs. Ventura County MS4 agencies do not have the resources to squander chasing new priorities created due to erroneous actions or data evaluations. Please take serious note of the requests in this and the other letters mentioned. We are striving to improve water quality every day and need to keep our focus on real water quality issues properly identified through sufficient and scientifically sound data evaluation following existing established guidance.

It is the intent of this comment letter to express strong support for all comments and detailed requests provided in comment letters on the 2024 303(d) List submitted by the following parties:

- The Stakeholders Implementing TMDLs in the Calleguas Creek Watershed (CCW)
- California Stormwater Quality Association (CASQA)

Of specific importance to the Program are the following requested revisions to the 2024 303(d) List:

- **Request:** Removal of the following MS4 location from the 2024 303(d) List:
 - Camarillo Hills Drain (tributary to Revolon Slough) proposed listing for Toxicity

Reason: The Camarillo Hills Drain was listed based on data from sample site MO-CAM. This drain is not identified as a waterbody in the Basin Plan, is an MS4 outfall draining the City of Camarillo and is not located in the receiving water. Additionally, the Camarillo Hills Drain is a part of the stormwater drainage system and is not a tributary designated in the Region 4 Basin Plan. All assessments made based on this site and for the Camarillo Hills Drain should be removed from the 2024 303(d) List.
- **Request:** Removal of the following MS4 location from the 2024 303(d) list:

- Fox Canyon Barranca (tributary to San Antonio Creek) proposed listing for Indicator Bacteria and Toxicity

Reason: The Fox Canyon Barranca was listed based on data from sample site MO-OJA. This barranca is not identified as a waterbody in the Basin Plan, is an MS4 outfall draining the City of Ojai and is not located in the receiving water. Additionally, the Fox Canyon Barranca is a part of the stormwater drainage system and is not a tributary designated in the Region 4 Basin Plan. All assessments made based on this site and for the Fox Canyon Barranca should be removed from the 2024 303(d) List.

- **Request:** Removal of the following MS4 location from the 2024 303(d) list:

- Hueneme Drain proposed listing for Toxicity

Reason: The Hueneme Drain was listed based on data from sample site MO-HUE. This drain is not identified as a waterbody in the Basin Plan, is an MS4 outfall draining the City of Port Hueneme and is not located in the receiving water. Additionally, the Hueneme Drain is a part of the stormwater drainage system and is not a tributary designated in the Region 4 Basin Plan. All assessments made based on this site and for the Hueneme Drain should be removed from the Integrated Report.

- **Request:** Removal of the following proposed listing from the 2024 303(d) List:

- Ventura Harbor Ventura Keys proposed listing for Copper

Reason: Ventura Harbor Ventura Keys was listed using 2006 SWAMP data. This line of evidence is close to 20-years old and lacks temporal representation. Furthermore, the 2006 SWAMP data used to justify the listing is in total copper concentrations, which are being compared to dissolved copper criterion continuous concentration water quality criteria without any adjustments, calculations, etc. shown in the Fact Sheet. We believe this clearly is in contrast to Section 6.1.2.2 of the Section 303(d) Listing Policy requirements and because of this, the data should not be used as a line of evidence for the impairment listing.

Additionally, 2006 and 2017 SWAMP data are both from a single sampling day of the year, a single snapshot in time chosen at random. The application of a four-day criterion continuous concentration water quality objective for data collected on a single day is inappropriate. SWAMP data utilized in this listing does not allow the computation of four-day averages, nor allows for computation of average concentration(s) over given time period(s) to represent a chronic condition, to ultimately compare to the criterion continuous concentration objective. 2006 and 2017 SWAMP data lack temporal representation and do not support the use of a criterion continuous concentration water quality criteria based objective.

Furthermore, relying on two random single data points spaced by 11 years is not representative of current conditions as management practices have improved since data collection. SB346 signed into law in 2010 is currently being implemented statewide to reduce copper and other toxic substances from reaching receiving waters; lines of evidence for this listing do not take this into account. Because of this management practice, data utilized in this in this draft listing should be dismissed.

Per section 6.1.5.3 of the State Boards Section 303(d) Listing Policy, “...If the majority of samples were collected on a single day or during a single short-term natural event (e.g., a storm, flood, or wildfire), the data shall not be used as the primary data set supporting the listing decision.” Additionally, “...In general, samples should be available from two or more seasons or from two or more events when effects or water quality objective exceedances would be expected to be clearly manifested.” Furthermore, “...If the implementation of a management practice(s) has resulted in a change in the water body segment, only recently collected data [since the implementation of the management measure(s)] should be considered...”

- **Request:** Removal of the following proposed listing from the 2024 303(d) List:
 - Santa Clara River Estuary proposed listing for Copper
 - Santa Clara River Estuary proposed listing for Lead
 - Santa Clara River Estuary proposed listing for Nickel
 - Santa Clara River Estuary proposed listing for Selenium

Reason: City of Ventura Water Reclamation Facility receiving water data was used as the primary data supporting copper, lead, nickel and selenium listing decisions. City of Ventura conducts receiving water monitoring at five locations in the Santa Clara River Estuary as required by Order R4-2020-0024. Copper, lead, nickel and selenium are sampled monthly and analyzed for total metals concentrations, not dissolved metals concentrations.

The comparison of a four-day criterion continuous concentration water quality objective to monthly collected sampling does not seem appropriate. Utilizing this data as the primary justification and support for placing these constituents on the 303(d) list is very concerning as the data does not accurately represent chronic conditions needed to compare with criterion continuous concentration objectives. The frequency of sampling data collection does not allow the computation of four-day averages nor allows for meaningful computation of average concentrations over a necessary time period to represent the critical condition targeted by a criterion continuous concentration. Due to data limitations, we request the removal of the proposed listings from the Integrated List.

The Fact Sheets for copper, lead, nickel and selenium contain no information or explanation on how analyzed data used to assess water quality was transformed, converted, etc. to be able to compare samples' total concentrations to a water quality criterion that is dissolved concentration based. Without this information included in the Fact Sheet for the public and stakeholders to review, data and analysis is incomplete.

Per section 6.1.2.2 of the State Boards Section 303(d) Listing Policy, all of the specific data that was used and the corresponding data analysis methodology should be fully and clearly documented within the Fact Sheets. Fact Sheets do not include any information regarding how, why, methods, assumption, etc. required to properly translate and assess available data to make impairment assessment. Without further explanation of how data was used to determine 303(d) impairment, specifically on how total concentration data for copper, lead, nickel and selenium was compared to dissolved concentration water quality criteria, we request the removal of copper, lead, nickel and selenium 303(d) listings for Santa Clara River Estuary.

- **Request:** Removal of the following proposed listing from the 2024 303(d) List:
 - Ventura River Reach 1 and 2 (Estuary to Weldon Canyon) proposed listing for selenium

Reason: Ojai Valley Waste Water Treatment Plant receiving water data was used as the primary data supporting the selenium listing decision. Assessment data was sampled monthly and analyzed for total selenium concentrations, not dissolved concentrations.

The comparison of a four-day criterion continuous concentration water quality objective to monthly collected sampling does not seem appropriate. Utilizing this data as the primary justification and support for placing selenium on the 303(d) list is very concerning as the data does not accurately represent chronic conditions needed to compare with a criterion continuous concentration objective. The frequency of sampling data collection does not allow the computation of four-day averages nor allows for meaningful computation of average concentrations over a necessary time period to represent the critical condition targeted by a criterion continuous concentration. Due to data limitations, we request the removal of the proposed listing from the Integrated List.

The Fact Sheets contain no information or explanation how analyzed data used to assess water quality was transformed, converted, etc. to be able to compare samples' total concentrations to a water quality criteria that is dissolved concentration based. Without this information included in the Fact Sheet for the public and stakeholders to review, data and analysis is incomplete.

Per section 6.1.2.2 of the State Boards Section 303(d) Listing Policy, all of the specific data that was used and the corresponding data analysis methodology should be fully and clearly documented within the Fact Sheets. Fact Sheets do not include any information regarding how, why, methods, assumption, etc. required to properly translate and assess available data to make impairment assessment. Without further explanation of how data was used to determine 303(d) impairment, specifically on how total concentration data for selenium was compared to dissolved concentration water quality criteria, we request the removal of selenium 303(d) listings for Ventura River Reach 1 and 2 (Estuary to Weldon Canyon)

- **Request:** Removal of the following previously listed pollutant from the 2024 303(d) List:

- Ventura Harbor Keys PCBs

Reason: Incorrect waterbody referenced. Data used for evaluation is from Port Hueneme, and is a single sample taken in 2007 per Line of Evident ID 82801.

- **Request:** Removal of the following previously listed pollutants from the 2024 303(d) List:

- Ventura Harbor Ventura Keys listing for Arsenic
- Ventura Harbor Ventura Keys listing for Dieldrin
- Ventura Harbor Ventura Keys listing for PCBs

Reason: Ventura Harbor Ventura Keys above listings are justified based upon SWAMP data taken at random locations from a single day. This data is not temporally or spatially representative and historic justification for listing on the 303(d) list is inconsistent with State Boards Section 303(d) Listing Policy. Two sample locations from Ventura Harbor Ventura Keys is not representative of the waterbody as a whole, is a snapshot in time (single day of sampling) and is insufficient to be used as the primary data set to support a listing decision. Additionally, this data does not take into consideration dredging operations that have taken place since 2007 in Ventura Harbor and Ventura Keys. This management measure may have influence on fish tissue toxic concentration reduction, and therefore data used from 2007 should be dismissed.

Per section 6.1.5.3 of the State Boards Section 303(d) Listing Policy, a single random datapoint is not representative of waterbody impairments, *"...If the majority of samples were collected on a single day or during a single short-term natural event (e.g., a storm, flood, or wildfire), the data shall not be used as the primary data set supporting the listing decision."* Additionally, *"...In general, samples should be available from two or more seasons or from two or more events when effects or water quality objective exceedances would be expected to be clearly manifested."* Furthermore, *"...If the implementation of a management practice(s) has resulted in a change in the water body segment,*

only recently collected data [since the implementation of the management measure(s)] should be considered..."

General comments regarding the evaluation of available data and the 303(d) listing process:

- The process for the listing of new waterbodies on the 303(d) list is a very important and resource intensive process. Within Reach 3 of the Santa Clara River, a Nitrogen Compounds TMDL was approved by the US EPA in 2004. Since that time, analysis of water quality data has consistently shown improvement and attainment of water quality standards resulting in a recommendation to delist and ultimately in a formal delisting from the 303(d) list. Despite the delisting, the Nitrogen Compounds TMDL continues to be in effect for this Reach and is included in the 2021 Regional Permit. Once a waterbody pollutant combination is listed and then goes through the rigorous process to delist, associated TMDLs should no longer be in effect.
- In several instances for Ventura County waterbodies, insufficient information and data were provided which doesn't allow for a comprehensive review of the proposed listings. This appears to be in contrast to Section 6.1.2.2 of the Section 303(d) Listing Policy. The Program requests the below information be provided with the revised lists to ensure a full evaluation can be completed. If the below information cannot be provided in Fact Sheets, the Program believes data utilized for listing decision(s) are incomplete and should be dismissed.
 - Provide all the supporting calculations and comparisons to the evaluation guidelines, including the calculation of criteria that are based on hardness, pH, temperature, etc. Without this information, it is challenging to determine if the evaluations are correct. Furthermore, when dissolved concentration water quality criterion are utilized for monitoring data that were reporting in total concentrations, detailed assumptions need to be included in Fact Sheets.
 - Fix the broken links to references. When the reference information is missing, it is difficult to evaluate the basis for the listings.
- Consider the completeness and quality of the data set, including temporal and spatial coverage. All datasets should be evaluated to ensure they were complete and provide both temporal and spatial coverage of the waterbody consistent with Section 6.1.5 of the Section 303(d) Listing Policy. Due to the lag time between data solicitation and finalizing of the 303(d) List, much of the data for this listing cycle is over ten years old. As such, there are many listings where the data are no longer representative of the waterbody due to natural changes or due to implementation of stormwater quality control or management programs since the data were collected. The Program's

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recommendation is to ensure data used to support new listings is temporally and spatially representative of the waterbody segment that is listed, and to ensure that older data are not given the same weight as more recent data. When management measures have been implemented that may improve water quality in a waterbody or reach, we recommend the data be dismissed or analyzed for representativeness. Additionally, the Program recommends that data be excluded that is no longer representative of the waterbody.

The Program is committed to implementing stormwater quality programs countywide to protect all beneficial uses in its surface waters and at Ventura County Beaches. We appreciate the opportunity to comment on this very important issue and understand the effort and resources required by all parties to ensure scientifically defensible and sound listings and delistings.

On behalf of the Ventura Countywide Stormwater Quality Management Program, I would like to thank you for your time and opportunity to submit these comments and look forward to continuing to work together to address these concerns. If you have questions, please contact me at (805) 654-3942, or via email at Arne.Anselm@Ventura.org.

Sincerely,



For -

Arne Anselm, Chair
On Behalf of the Ventura Countywide Stormwater Quality Management Program

cc: Ventura County Stormwater Program Permittees